

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
STATE BOARD OF DRINKING WATER

TO: Kern County Parks and Recreation Department
Tehachapi Mountain Park Water System
Water System NO. 1502325

Attn: Don Woodard, Planner II
Kern County Parks and Recreation Department
2820 M Street
Bakersfield, CA 93301

CERTIFIED MAIL

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTIONS 64426.1(b)(2) AND 64426.1(b)(4)

January 2016

C I T A T I O N N O . 03_19_16C_029

Issued on May 12, 2016

STATEMENT OF FACTS

Kern County Parks and Recreation Department – Tehachapi Mountain Park Water System (hereinafter Water System) is classified as a transient, non-community Water System and serves a population of approximately 205 persons (mostly visitors to the Park) through 45 service connections. The Water System operates under the authority of a permit issued on November 18, 1971, by the County of Kern (No. 2325), and now is under regulatory jurisdiction of the State Water Resources Control Board (hereinafter

1 “State Board”), Division of Drinking Water. The State Board plans to issue a new
2 domestic water supply permit to the Water System.

3 Section 116650 of the California Health and Safety Code authorizes the issuance of a
4 citation to a public water system for violation of the California Safe Drinking Water
5 Act (Health and Safety Code, State Board 104, Part 12, Chapter 4, commencing with
6 Section 116270) (hereinafter “California SDWA”), or any regulation, standard, permit
7 or order issued or adopted thereunder.

8
9 The State Water Resources Control Board, acting by and through its Division of
10 Drinking Water and the Deputy Director for the Division of Drinking Water
11 (hereinafter “Deputy Director”), hereby issues a citation to Kern County Parks and
12 Recreation Department – Tehachapi Mountain Park Water System (mailing address:
13 2820 M Street, Bakersfield, CA 93301) for violation of California Code of
14 Regulations (CCR), Title 22, Sections 64426.1(b)(2) and 64426.1(b)(4).

- 15
- 16 • The Water System collects two (2) routine distribution system bacteriological
17 samples per month, in accordance with its approved Bacteriological Sample
18 Siting Plan.
 - 19 • One (1) out of the two (2) routine bacteriological quality samples collected on
20 January 12, 2016, from the distribution system, **tested positive for total**
21 **coliform bacteria and *E. coli* bacteria.** The *E.coli* positive sample was
22 collected from the **Mess Hall**, served by the West Spring and West Tank.
 - 23
24 • On January 14, 2016, the Water System inspected the interior of the West
25 Tank, flushed the distribution system and collected first round of repeat and
26 special samples, consisting of five (5) samples from the West System at: Mess
27 Hall, Infirmary, Group Camp Showers, West Tank, and West Spring.

- 1 • Three (4) repeat bacteriological samples collected on January 14, 2016, from
2 the distribution system, tested negative for total coliform bacteria.
- 3 • One special sample collected on January 14, 2016, from the West Tank tested
4 negative for total coliform bacteria.
- 5 • One (1) repeat bacteriological sample collected on January 14, 2016, from the
6 West Spring (also counted towards triggered source sample for compliance
7 with the Ground Water Rule), tested positive for total coliform bacteria and
8 negative for *E.coli* bacteria.
- 9 • **Kern County Parks and Recreation Dept. – Tehachapi Mountain Park**
10 **Water System failed the total coliform maximum contaminant level**
11 **(MCL) for January 2016 [Sections 64426.1(b)(2) and 64426.1(b)(4),**
12 ***Authorities*].**
- 13 • On January 14, 2016, Don Woodard from the Water System notified the State
14 Board by telephone of the routine total coliform and *E. coli* positive sample
- 15 • On January 14, 2016, the State Board issued a Tier 1 Boil Water Notice
16 (BWN) to the Water System, in response to the *E. coli* positive sample
17 collected on January 12, 2016.
- 18 • On January 14, 2016, the State Board emailed a blank template for completing
19 an investigation report for the *E.coli* positive sample.
- 20 • As part of the corrective actions, the Water System inspected the two sources
21 of supply (East Spring and West Spring), two storage tanks (East Tank and
22 West Tank), and distribution system, and also reviewed operation of the Water
23 System, along with completion of an investigation of the *E.coli* positive
24 sample.
- 25 • Based on the completed investigation report (dated February 3, 2016), total
26 coliform and *E.coli* positive samples may be caused by contamination of the
27 pipeline that brings water from the West Spring to the West Tank (Tank #2).

- 1 • On January 14, 2016, (following issuance of the BWN), the West Spring was
2 diverted and the pipeline from the West Spring to the West Tank was shut off
3 and remains shut off. With the improvement of the weather conditions (snow)
4 in the area, the Water System is planning on replacing the line from the West
5 Spring to the West Tank and will contract the State Board at that time. A
6 pipeline from the East Spring (normally kept closed) was opened on January
7 14, 2016, connecting the East Spring to the West Tank.
8
- 9 • Until the West Spring shows reliably clean water, both East and West systems
10 are being served with the water provided exclusively from the East Spring.
11
- 12 • In an email dated January 22, 2016, the Water System informed the State
13 Board that the entire West system was basically closed for the winter. All the
14 exterior hose bibs had been removed and capped, and none of the buildings had
15 been used since December 2015. According to the caretaker, the Cabins area
16 restroom had a broken pipe sometime between Christmas and New Year. The
17 West Tank had drained completely before the line break was detected and
18 repaired. The Cabins area line was closed and the West Tank was refilled
19 within a few days. This may be a possible reason for the positive sample at the
20 Mess Hall (the Cabins restroom is located upstream of the Mess Hall). Much
21 of the Park sampling sites were closed off for the winter (all the campsite hose
22 bibs had been removed and capped, including the Oak Flat restrooms and
23 showers were shut off).
24
- 25 • On January 25, 2016, a total of seven (7) bacteriological quality samples were
26 collected from the available sampling locations during the winter, which are:
27

1 East Spring (at West Tank inlet), West Tank, Mess Hall, Group Camp Shower,
 2 Duck Pond (outside hose bib), Office, and East Tank. All seven (7) samples
 3 tested negative for total coliform bacteria.

- 4 • A second set of seven (7) samples was collected from the same locations on
 5 January 27, 2016, all seven samples tested negative for total coliform bacteria.
- 6 • Based on the corrective actions taken by the Water System and total coliform
 7 negative results from two consecutive sets, the State Board issued a Safe Water
 8 Notice on February 4, 2016, cancelling the BWN issued on January 14, 2016.
- 9 • **Until further notice, the West Spring must stay isolated from the domestic**
 10 **water supply system.** A staff member from the State Board may conduct a
 11 site inspection before the West Spring is allowed to be placed back in service.
- 12 • Five (5) routine bacteriological quality samples collected on February 9, 2016,
 13 tested negative for total coliform bacteria.
- 14 • Two (2) routine bacteriological quality samples collected on March 8, 2016,
 15 tested negative for total coliform bacteria.
- 16 • Results of all (source and distribution) bacteriological samples collected from
 17 January 2015 to March 2016 are summarized in **Attachment A**.

21 AUTHORITIES

22 Section 116577 of the CHSC, states in relevant part:

23 “(a) Each public water system shall reimburse the State Board for the actual costs incurred by the
 24 State Board for any of the following enforcement activities related to that water system:

- 24 (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- 25 (2) Preparing, and issuing public notification

26 ...

26 (b) The State Board shall submit an invoice for these enforcement costs to the public water system
 27 that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs
 were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and

the hourly cost rate of the State Board. The costs set forth in the invoice shall not exceed the total actual costs to the State Board of the enforcement activities specified in this section.”...

Section 116650 of the CHSC, states in relevant part:

“(a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subsection (e).

(e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.”

Section 116655 of the CHSC, states in relevant part:

(a) Whenever the State Board determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the State Board.

(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.

(2) That purification or treatment works be installed.

(3) That the source of the water supply be changed.

(4) That no additional service connection be made to the system.

(5) That the water supply, the plant, or the system be monitored.

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board.

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

DETERMINATIONS

Based upon the above *Statement of Facts and Authorities*, the State Board determines that the Kern County Parks and Recreation Department- Tehachapi Mountain Park Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for January 2016, when more than one sample collected in January 2016, tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64426.1(b)(4); Specifically, during the month of January 2016, one routine sample tested positive for *E.coli* bacteria, followed by one repeat sample that tested positive for total coliform bacteria.

1 The above violations are classified as non-continuing violations.

2
3 **DIRECTIVES**

4 Kern County Parks and Recreation Department - Tehachapi Mountain Park Water
5 System is hereby directed to take the following actions:

- 6
7 1. Cease and desist from failing to comply with Section 116555(a) of the
8 California Health and Safety Code (CHSC) and Sections 64426.1(b)(2), and
9 64426.1(b)(4) of Title 22, California Code of Regulations.
- 10 2. The Water System shall reimburse the State Board, in accordance with an
11 invoice that shall be provided to the Water System, the costs for enforcement
12 activities, and such reimbursement shall be made prior to September 1 (or by a
13 different date if specified by the State Board) of the fiscal year following the
14 fiscal year in which such costs are incurred as described in CHSC Sections
15 116577(a)(1-2) and 116577(b).

16
17 **FURTHER ENFORCEMENT ACTIONS**

18 Section 116270, Chapter 4, Part 12, State Board 104 of the CHSC authorizes the State
19 Board to: issue additional citations with assessment of penalties if a public water
20 system continues to fail or correct a violation identified in a citation; take action to
21 suspend or revoke a permit that has been issued to a public water system if the system
22 has violated applicable law or regulations or has failed to comply with orders of the
23 State Board; and petition the superior court to take various enforcement measures
24 against a public water system that has failed to comply with orders of the State Board.
25 The State Board does not waive any further enforcement action by issuance of this
26 citation.
27

PARTIES BOUND

This citation shall apply to and be binding upon Kern County Parks and Recreation Department– Tehachapi Mountain Park, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Kern County Parks and Recreation Department – Tehachapi Mountain Park shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTIES

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the State Board imposing an administrative penalty of not less than \$200 (two hundred dollars) per day as of the date of violation of any provision of this Citation.

May 12, 2016
Date

Jaswinder S. Dhaliwal
Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Drinking Water Field Operations Branch

Certified Mail No. 7015 1520 0000 4433 1938

ATTACHMENT

Attachment A: Summary of Bacteriological Samples Collected from January 2015 – March 2016

CC: Kern County Environmental Health Services Department (w/o attachment)
Bob LeRude, Kern County Parks and Recreation Dept.

JSD/dc

Attachment A

Kern Co P&R - Tehachapi Mt Park Water

1502325

Distribution System Freq: SPEC

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/7/2015	11:50	2-ROU- Mess Hall	A	A		Routine			
1/7/2015	12:45	1ROU-Office	A	A		Routine			
2/3/2015	10:05	2-ROU	A	A		Routine			
2/3/2015	11:55	1-ROU	A	A		Routine			
3/10/2015	1:10	1-ROU	A	A		Routine			
3/10/2015	12:15	4-ROU	A	A		Routine			
4/7/2015	9:40	1-ROU	A	A		Routine			
4/7/2015	10:15	3-ROU	A	A		Routine			
5/12/2015	9:50	2-ROU	A	A		Routine			
5/12/2015	11:00	1-ROU	A	A		Routine			
6/9/2015	10:00	1ROU	A	A		Routine			
6/9/2015	11:30	2ROU	A	A		Routine			
7/7/2015	10:30	2ROU	A	A		Routine			
7/7/2015	11:40	1ROU	A	A		Routine			
8/11/2015	9:45	4ROU (Oak Flat R	P	P		Routine		MCL	Citation 03_19_16C_002 Issued.
8/11/2015	10:40	1ROU (Office)	A	A		Routine			
8/13/2015	9:40	2ROU (Mess Hall)	A	A		Repeat			
8/13/2015	10:10	4ROU (Oak Flat R	A	A		Repeat			
8/14/2015	11:10	CS48 Camp Site 4	A	A		Repeat			
8/14/2015	11:25	WT West Tank	A	A		Repeat			
8/20/2015	1:05	ET East Tank	A	A		Other			
8/20/2015	2:10	WT West Tank	A	A		Other			
8/20/2015	2:30	3ROU (Campsite	A	A		Other			
8/20/2015	2:50	1ROU (Office)	A	A		Other			
8/20/2015	12:10	2ROU (Mess Hall)	A	A		Other			
8/20/2015	12:30	5ROU (Cabins)	A	A		Other			
8/20/2015	12:45	4ROU (Oak Flat R	A	A		Other			
8/24/2015	1:40	West Tank	A	A		Other			
8/24/2015	11:55	2ROU (Mess Hall)	A	A		Other			
9/15/2015	11:30	2ROU (Mess Hall)	A	A		Routine			
9/15/2015	11:45	5ROU (Cabins)	A	A		Routine			
9/15/2015	12:30	3ROU (Site 48)	A	A		Routine			
9/15/2015	12:40	4ROU (Oak Flat R	A	A		Routine			
9/17/2015	12:55	Campsite 33	A	A		Routine			
9/22/2015	1:05	5ROU (Cabins)	A	A		Other			
9/22/2015	1:45	1ROU (Office)	P	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>CI2</i>	<i>Violation</i>	<i>Comment</i>
9/22/2015	10:45	West Tank	A	A		Other			
9/22/2015	11:55	2ROU (Mess Hall)	A	A		Other			
9/22/2015	12:15	Campsite 48	A	A		Other			
9/22/2015	12:45	4ROU (Oak Flat R	A	A		Other			
9/29/2015	1:15	West Tank	A	A		Other			
9/29/2015	10:30	5ROU (Mess Hall,	A	A		Routine			
9/29/2015	10:55	2ROU (Mess Hall)	A	A		Other			
9/29/2015	11:20	4ROU (Oak Flat R	A	A		Other			
9/29/2015	11:35	Campsite 48	A	A		Other			
9/29/2015	11:55	1ROU (Office)	P	A		Other			
10/2/2015	9:05	Maintenance Bldg	A	A		Routine			
10/2/2015	9:25	Office	A	A		Routine			
10/2/2015	9:40	Duck Pond	A	A		Routine			
10/2/2015	9:55	Campsite 41 (East	A	A		Routine			
10/2/2015	10:20	East Tank	A	A		Routine			
10/2/2015	12:30	West Spring (Tank	A	A		Other			
10/7/2015	1:55	Office	A	A		Other			
10/7/2015	10:05	Campsite 48	A	A		Other			
10/7/2015	10:25	Oak Flat RR	A	A		Other			
10/7/2015	10:45	Mess Hall	A	A		Other			
10/7/2015	11:10	Cabins	A	A		Other			
10/7/2015	12:45	West Tank	A	A		Other			
10/8/2015	11:25	Campsite 27	A	A		Other			
10/8/2015	11:50	Yenis Hante Cabin	A	A		Routine			
10/20/2015	11:25	Cabins	A	A		Other			
10/20/2015	12:55	Office	A	A		Other			
11/3/2015	10:10	Office	A	A		Routine			
11/3/2015	10:45	Mess Hall	A	A		Routine			
12/8/2015	10:00	Mess Hall	A	A		Routine			
12/8/2015	10:50	Office	A	A		Routine			
1/12/2016	10:05	Office	A	A		Routine			
1/12/2016	11:55	Mess Hall	P	P		Routine		MCL	Citation # 03_19_16C_029 issued
1/14/2016	1:05	Infirmar	A	A		Repeat			
1/14/2016	10:55	Mess Hall	A	A		Repeat			
1/14/2016	11:25	Group Camp Sho	A	A		Repeat			
1/14/2016	12:10	West Tank	A	A		Other			
1/25/2016	1:50	East Tank	A	A		Other			
1/25/2016	9:35	Duck Pond	A	A		Other			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/25/2016	10:05	Office	A	A		Other			
1/25/2016	10:45	West Tank	A	A		Other			
1/25/2016	11:30	Mess Hall	A	A		Routine			
1/25/2016	11:55	Group Camp Sho	A	A		Other			
1/27/2016	10:05	East Tank	A	A		Other			
1/27/2016	10:45	West Tank	A	A		Other			
1/27/2016	11:25	Mess Hall	A	A		Other			
1/27/2016	11:50	Group Camp Sho	A	A		Other			
1/27/2016	12:15	Office	A	A		Other			
1/27/2016	12:35	Duck Pond	A	A		Other			
2/9/2016	9:45	Office	A	A		Other			
2/9/2016	10:10	Mess Hall	A	A		Other			
2/9/2016	11:15	West Tank	A	A		Other			
2/9/2016	11:40	East Tank	A	A		Other			
3/8/2016	9:50	Office	A	A		Routine			
3/8/2016	10:30	Mess Hall	A	A		Routine			

Kern Co P&R - Tehachapi Mt Park Water

1502325

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
8/13/2015	10:35	WS West Spring	P	A			
8/20/2015	1:30	ES East Spring (1502325-0	P	A			
8/20/2015	1:55	WS West Spring 1502325-	A	A			
8/24/2015	1:15	West Spring	P	P			
8/31/2015	12:40	East Spring (Campsite 4) 1	<1.1	<1.1			
8/31/2015	14:40	West Spring	<1.1	<1.1			
9/17/2015	11:55	West Spring (Tank Inlet)	A	A			
9/22/2015	10:35	West Spring (Tank Inlet)	P	A			
9/29/2015	1:25	West Spring (Tank Inlet)	A	A			
1/14/2016	12:35	West Spring (Source)	P	A		MCL	Repeat+GWR sample
1/25/2016	10:30	East Spring (West Tank Inl	A	A			
1/27/2016	11:00	East Spring (Source) (Wes	A	A			
2/9/2016	10:55	East Spring (Source)(West	A	A			
